

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Michael King
DOCKET NO.: 05-26695.001-C-1 and 05-26695.002-C-1
PARCEL NO.: 18-01-101-009 and 18-01-101-010

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Michael King, the appellant, by attorney Scott Shudnow with the law firm of Shudnow & Shudnow in Chicago and the Cook County Board of Review.

The subject property consists of two parcels of land totaling 23,328 square feet and improved with two 28-year old, three-story, masonry constructed, commercial and apartment buildings. The improvements contain 24 units and 23,724 square feet of gross building area with 19,925 square feet of rentable area. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal of the subject property with an effective date of January 1, 2005. The appraiser used the three traditional approaches to value to arrive at market value of \$720,000. The

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

DOCKET #	PIN	LAND	IMPROVEMENT	TOTAL
05-26695.001-C-1	18-01-101-009	\$18,120	\$69,212	\$87,332
05-26695.001-C-1	18-01-101-010	\$11,779	\$88,089	\$99,868

Subject only to the State multiplier as applicable.

PTAB/0669JBV

appraiser determined that the highest and best use to be its current use.

In the cost approach to value, the appraiser reviewed the sales of five comparables to determine a value for the land of \$12.00 per square foot or \$280,000, rounded. Using the *Marshall Valuation Computerized Cost Service*, the appraiser estimated a replacement cost new for the improvement of \$1,645,496. The appraiser estimated indirect costs at 3% and entrepreneurial incentive at 10% for a final replacement cost of \$1,864,347. The appraiser then determined depreciation from all causes at 77.7% for a value of \$422,594 for the improvement. The depreciated value of the site improvements of \$20,510 and value of the land was then added in for a final value under the cost approach of \$720,000, rounded.

In the income approach, the appraiser reviewed the rent of five comparable properties and established a range of \$625.00 to \$850.00 per unit. After adjustments and the inclusion of income from laundry, the appraiser determined a potential gross income for the subject of \$227,040. The appraiser then applied a 5% vacancy & collection factor for an effective gross income (EGI) from all sources of \$215,760. Expenses were then estimated at \$99,340 for a net operating income of \$116,420. Using the band of investments, market analysis and published sources, the appraiser applied a loaded capitalization rate of 16.1% for a total value based on the income approach of \$720,000, rounded.

Under the sales comparison approach to value, the appraiser examined 10 suggested comparables located in the subject's market. The comparables consist of two-story, masonry apartment buildings with 12 to 24 units. The comparables range in age from 33 to 75 years and in size from 6,943 to 15,500 square feet of building area. The properties sold from February 2001 to February 2005 for prices ranging from \$350,000 to \$1,175,000 or from \$50.41 to \$75.81 per square foot of building area. The appraiser made several adjustments to the comparables. Based on this, the appraiser determined the subject property's value using the sales comparison approach to be \$760,000 rounded.

In reconciling the approaches to value, the appraiser gave substantial emphasis on the income approach; secondary consideration was given to the sales comparison approach and the least weight on the cost approach for a final value for the subject as of January 1, 2005 of \$720,000.

The appellant submitted rebuttal evidence arguing that the board of review's evidence is not sufficient and does not refute the appellant's appraisal. At hearing, the appellant's attorney, Scott Shudnow, argued that the appraisal was the best evidence of

the subject's market value and that the board of review's comparables were flawed. Mr. Shudnow argued that there was no appraisal submitted by the board of review and that the sales comparables submitted were not adjusted for differences between them and the subject property. Mr. Shudnow then argued the flaws of each suggested comparable submitted by the board of review.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$210,891. The subject's assessment reflects a market value of \$811,119 using the level of assessment of 26% for Class 3 property as contained in the Cook County Real Property Assessment Classification Ordinance. The board also submitted raw sale information for a total of nine properties suggested as comparable to the subject. These comparables are all located within the subject's market and are improved with two or three-story apartment buildings. These buildings range: in age from 26 to 37 years; in apartment units from eight to 13; and in size from 6,450 to 9,000 square feet of gross or rentable area. The comparables sold from May 2001 to April 2007 for prices ranging from \$330,000 to \$921,500 or from \$50.38 to \$105.92 per square foot of gross or rentable area. As a result of its analysis, the board requested confirmation of the subject's assessment. At hearing, the board of review's representative rested on the evidence submitted.

After considering the evidence and reviewing the testimony, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the three traditional approaches to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; estimated a highest and best use for the subject property; utilized appropriate

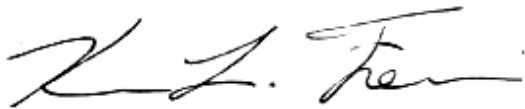
market data in undertaking the approaches to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The PTAB gives little weight to the board of review's comparables as the information provided was raw sales data with no adjustments made.

Therefore, the PTAB finds that the subject property contained a market value of \$720,000 for the 2005 assessment year. Since the market value of the subject has been established, the Cook County Real Property Classification Ordinance level of assessment of 26% will apply. In applying this level of assessment to the subject, the total assessed value is \$187,200 while the subject's total assessed value of \$210,891 is above this amount. Therefore, the PTAB finds that a reduction is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: April 25, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.